

Appln. No.: 10/088,037
Amendment Dated December 11, 2007
Reply to Office Action of September 11, 2007

MTS-3321US

Remarks/Arguments:

In view of the above amendments and following remarks, further consideration of the present application is respectfully requested.

By this amendment, claims 33 and 34 have been newly added. It is submitted that no new matter has been added.

The Examiner has rejected claims 1-5, 9-11 and 25-26 under 35 U.S.C. §103(a) for the reasons mentioned in paragraph 3 on pages 2-6 of the Office Action.

The Examiner has acknowledged, on page 3 of the Office Action, that the Matsumi et al. reference (USPN: 6,038,094) does not teach a data rate detecting means of counting a number of input packets which are received by said inputting means, at intervals of a time corresponding to an integer multiple of a minimum record unit time, as recited in independent claim 1.

The Examiner has relied on the Shinohara et al. reference (USPN: 5,740,306) for teaching the aforementioned shortcoming of the Matsumi et al. reference as indicated on page 3 of the Office Action.

The Applicants respectfully traverse the Examiner's aforementioned rejection and submit that the prior art references fail to disclose or suggest a data rate detecting means of counting a number of input packets which are received by the inputting means, at intervals of a time corresponding to an integer multiple of a minimum record unit time, as recited in independent claims 1.

Substance of the Interview

The Applicants would like to thank Examiner Helen Shibru for conducting a personal interview with the Applicant's representatives on December 6, 2007 at the United States Patent & Trademark Office.

During the interview, it was explained to the Examiner that the Shinohara et al. reference does not disclose a data rate detecting means of counting a number of input packets which are received by the inputting means, at intervals of a time corresponding to an integer

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multiple of a minimum record unit time, as recited in independent claim 1.

Particularly, the Shinohara reference discloses that a header analyzer 10 extracts a sequence header as header information from a received transport packet [see column 39 (lines 55-60)]. The sequence header contains picture data transmission rate information [see column 39 (line 65) – column 40 (line 2)]. This data transmission rate information contained in the header information is then provided to a rate identifying circuit 18 [see column 40 (line 11-16)]. The rate identifying circuit 18 detects transmission rates of data based on the data transmission rate information [see column 40 (lines 19-30)]. Thus, the Shinohara et al. reference clearly does not disclose counting a number of input packets which are received.

Accordingly, unlike claim 1 of the present application which recites a data rate detecting means of counting a number of input packets which are received by the Inputting means at intervals of a time corresponding to an integer multiple of a minimum record unit time, the recording device disclosed in Shinohara et al. clearly does not disclose counting a number of input packets since the device receives data rate information in the header of received transport packets.

At the time of the interview, the Examiner agreed with the aforementioned arguments. However, as reflected on the interview summary form, the Examiner indicated that she would have to further review the Shinohara et al. reference just for confirmation that it does not disclose counting of a number of input packets which are received.

It is noted that the aforementioned features recited in independent claim 1 are similarly recited in each of remaining independent claims 3, 18, 20, 33 and 34.

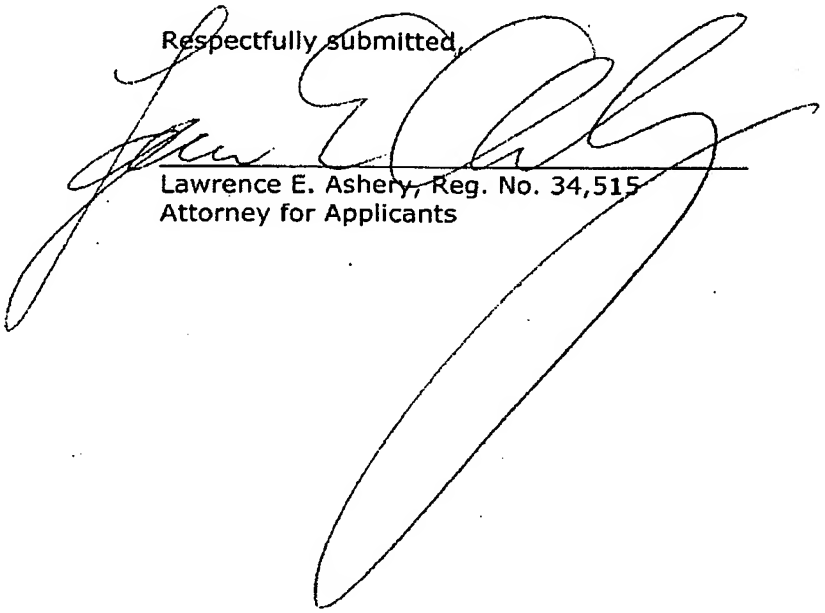
In view of the foregoing, it is submitted that each of independent claims 1, 3, 18, 20, 33 and 34, as well as the claims dependent thereon, is clearly allowable and the Examiner is kindly requested to promptly pass this case to issuance.

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In the event, however, that the Examiner has any comments or suggestion of a nature necessary to place this case in condition for allowance, then the Examiner is kindly requested to contact the Applicant's representatives to expedite allowance of this application.

Respectfully submitted,


Lawrence E. Ashery, Reg. No. 34,515
Attorney for Applicants

LEA/nm

Dated: December 11, 2007

P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

The Director is hereby authorized to charge or credit Deposit Account No. 18-0350 for any additional fees, or any underpayment or credit for overpayment in connection herewith.

NM227114

*I hereby certify that
This amendment has been
Facsimile transmitted on
December 11, 2007 to The USPTO
at 571-273-8300.*

*Lawrence E. Ashery
December 11, 2007*